

**IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO**

**LOIS HARMON  
528 Catalina Drive  
New Franklin, Ohio 44319**

**and**

**CHARLES HARMON  
528 Catalina Drive  
New Franklin, Ohio 44319**

**Plaintiffs,**

**v.**

**DOLLAR GENERAL CORPORATION  
c/o Statutory Agent Corp. Service Co.  
2908 Poston Ave.  
Nashville, TN 37203-1312**

**and**

**PEPSICO, INC.  
c/o Statutory Agent CT. Corp. System  
4400 Easton Commons Way, Suite 125  
Columbus, Ohio 43219**

**and**

**DOE CORPORATION  
(entity of which the true name and  
address is currently unknown)**

**Defendants.**

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**COMPLAINT**

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Now come the Plaintiffs, Lois Harmon and Charles Harmon, husband and wife, by and through their undersigned counsel, and for their complaint against the above-named Defendants state as follows:

**PARTIES, JURISDICTION AND VENUE**

**EXHIBIT A**

1. At all times relevant herein, Plaintiff Lois Harmon resided in the City of New Franklin, County of Summit and State of Ohio.
2. At all times relevant herein, Plaintiff Charles Harmon resided in the City of New Franklin, County of Summit and State of Ohio.
3. At all times relevant herein, Defendant, Dollar General Corporation, was an entity duly organized and licensed to transact business in the State of Ohio and was acting by and through its agents and/or employees. Upon information and belief, Defendant Dollar General Corporation, was the owner and/or renter and/or manager of the property located at 5235 Manchester Road, Akron, Ohio 44319.
4. Defendant Pepsico, Inc., was an entity duly organized and licensed to transact business in the State of Ohio and was acting by and through its agents and/or employees. Upon information and belief, Defendant Pepsico, Inc., provided soda products for sale at the property located at 5235 Manchester Road, Akron, Ohio 44319
5. Defendant Doe Corporation, of which the true name and identity could not be identified despite due diligence, was an entity duly organized and licensed to transact business in the State of Ohio and was acting by and through its agents and/or employees. Upon information and believe, Defendant Doe Corporation was the owner and/or renter and/or manager of the property located at 5235 Manchester Road, Akron, Ohio 44319
6. The facts giving rise to this cause of action occurred in the City of Akron, County of Summit and State of Ohio, and therefore, jurisdiction and venue are proper with this Court.

#### **GENERAL ALLEGATIONS**

7. Plaintiffs hereby incorporate paragraphs 1 through 6, inclusive, of this Complaint as though fully rewritten herein.

8. On or about August 11, 2019, Plaintiff Lois Harmon, was shopping at a Dollar General, which is owned and/or rented by and or managed by Defendant Dollar General Corporation and/or Defendant Doe Corporation, located at 5235 Manchester Road, Akron, Ohio 44319.
9. While shopping at Dollar General, Plaintiff Lois Harmon stepped onto a sticky substance on the floor, which caused her to trip and fall, causing Plaintiff to sustain significant and severe physical injuries and other damages.

**FIRST CAUSE OF ACTION**

**(Premises Liability)**

10. Plaintiffs hereby incorporate paragraphs 1 through 9, inclusive, of this Complaint as though fully rewritten herein.
11. Plaintiffs maintain that Defendants, Dollar General Corporation and/or Defendant Doe Corporation owed their business invitees, including Plaintiff Lois Harmon, a duty to inspect their premises for dangerous conditions, to warn their business invites of said dangerous conditions, and/or to make said conditions safe.
12. Said Defendants negligently created unsafe and dangerous conditions on their premises by failing to properly maintain their store floor, which contained a sticky substance, and by failing to warn Plaintiff Lois Harmon of the dangerous condition by placing signs, and/or to make the dangerous conditions safe.
13. As a direct and proximate result of said Defendants' negligence, Plaintiff Lois Harmon suffered physical injuries, including facial scarring, which Plaintiff believes are permanent, and other damages.
14. As a direct and proximate result of said negligence, Plaintiff Lois Harmon has incurred and will continue to incur medical and hospital expenses in the care and treatment of her injuries.

15. As a direct and proximate result of said negligence, Plaintiff Lois Harmon has experienced and will continue to experience severe physical and mental pain and suffering and emotional distress.
16. As a direct and proximate result of said negligence, Plaintiff Lois Harmon has lost and will continue to lose the ability to enjoy life and the ability to perform everyday activities.

**SECOND CAUSE OF ACTION**  
**(Negligence)**

17. Plaintiffs hereby incorporate paragraphs 1 through 16, inclusive, of this Complaint, as if fully rewritten and realleged herein.
18. Defendant Pepsico, Inc., was negligent in, among other things, causing the sticky substance to be on the floor at the Dollar General by spilling soda product on the floor, which negligence directly and proximately caused Plaintiff Lois Harmon's injuries.
19. As a direct and proximate result of Defendant's said negligence, Plaintiff Lois Harmon incurred physical injuries, anxiety, fear and physical and mental pain and suffering, lost wages and other damages.
20. As a direct and proximate result of said negligence, Plaintiff Lois Harmon lost and continues to lose enjoyment of life and the ability to perform everyday activities.
21. As a direct and proximate result of Defendant Pepsico, Inc.'s negligence, Plaintiff Lois Harmon has incurred medical and hospital expenses and expects to incur additional expenses into the future.
22. As a direct and proximate result of Defendant Pepsico, Inc.'s negligence, Plaintiff Lois Harmon has suffered other losses and damages including, but not limited to permanent injuries and/or scarring to her face.
23. As a direct and proximate result of Defendant Pepsico, Inc.'s negligence, Plaintiff Lois Harmon has suffered other damages and injuries.

Harmon has suffered other damages and injuries.

**THIRD CAUSE OF ACTION**

**(Loss of Consortium)**

24. Plaintiffs hereby incorporate paragraphs 1 through 23, inclusive, of this Complaint as though fully rewritten herein.
25. Plaintiff Charles Harmon is the husband of Plaintiff Lois Harmon.
26. As a direct and proximate result of Defendants' aforementioned premises liability and negligence, Plaintiff Charles Harmon has suffered the loss of Lois Harmon's services, society, companionship, comfort, love and solace.
27. As a direct and proximate result of Defendants' aforementioned premises liability and negligence, Plaintiff Charles Harmon has suffered damages and other injuries.

**WHEREFORE**, Plaintiffs demand judgment against Defendants, jointly and severally, in excess of Twenty-five Thousand Dollars (\$25,000.00), in compensatory damages and, in addition, interest, costs, attorney fees costs, and such other further relief to which Plaintiff may be entitled.

Respectfully submitted,


**B. ZIMMERMAN LAW**



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**REQUEST FOR SERVICE**

Plaintiffs hereby request that service be made on Defendants at the addresses listed in the caption of this document by certified mail, return receipt requested, addressees only.

  
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Brian L. Zimmerman

## Summit County Clerk of Courts

## LOIS HARMON VS DOLLAR GENERAL CORPORATION

Case Number: CV-2020-12-3508 File Date: 12/17/2020 Case Type: PERSONAL INJURY Judge: KELLY MCCLAUGHLIN

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Party Name	Issued Date	Writ Type	Service Date	Status	Service Type	Tracking ID	Document
DOE CORPORATION C/O S/A CORPORATION SERVICE CO. 2908 POSTON AVE. NASHVILLE TN 37203-1312	12/17/2020		01/08/2021	Served	Certified Mail	<a href="#">9214890157744601085155</a>	<a href="#">Document 1</a>
DOLLAR GENERAL CORPORATION C/O S/A CORPORATION SERVICE CO. 2908 POSTON AVE NASHVILLE TN 37203-1312	12/17/2020		01/08/2021	Served	Certified Mail	<a href="#">9214890157744601085162</a>	<a href="#">Document 2</a>
PEPSICO, INC. C/O S/A CT CORPORATION SYSTEM 4400 EAST COMMONS WAY, SUITE 125 COLUMBUS OH 43219-	12/17/2020		12/26/2020	Served	Certified Mail	<a href="#">92148901577446000001085179</a>	<a href="#">Document 3</a>

**EXHIBIT B**